

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DENNIS FLORER,

Plaintiff,

v.

CHERYL JOHNSON, *et al.*,

Defendants.

Case No. C06-5561 RJB/KLS

ORDER DENYING MOTION TO
AMEND AS MOOT AND
STRIKING MOTION TO
DISMISS AS PREMATURE

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the Court are Plaintiff's motion to file a first amended complaint (Dkt. # 57), and Defendants' motion to dismiss Plaintiff's first amended complaint (Dkt. # 60). Two days after Plaintiff filed his motion to amend, the Court entered its Order denying Defendants' first motion to dismiss. (Dkt. # 58). In that Order, the Court denied Defendants' motion to dismiss and granted Plaintiff leave to file an amended complaint on or before April 30, 2007. Defendants now contend that, when "Plaintiff filed a motion to amend his complaint and a First Amended Complaint on March 6, 2007, Docket No. 57. With the Court's order of March 8, 2007, Plaintiff's proffered First Amended Complaint became effective." (Dkt. # 60). This is incorrect.

The Court's Order (Dkt. # 58) rendered Plaintiff's motion to amend (Dkt. # 57) moot and rendered Defendants' motion to dismiss premature.

1 Plaintiff should refer to the Court's Order (Dkt. # 58) for guidance in preparing and submitting his
2 amended complaint. To avoid any confusion caused by the multiple filings, the Court shall extend
3 Plaintiff's deadline to file an amended complaint from April 30, 2007 to on or before May 11, 2007.

4 Accordingly, Plaintiff's motion to amend (Dkt. # 57) is **DENIED as moot** and Defendants' motion
5 to dismiss (Dkt. # 60) is **STRICKEN as premature**. All discovery in this matter is **Stayed** until the filing
6 of Defendants' answer to Plaintiff's amended complaint. Plaintiff shall submit an amended complaint on or
7 before **May 11, 2007**.

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9 DATED this 17th day of April, 2007.

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13 Karen L. Strombom
14 United States Magistrate Judge
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